

be submitted prior to the time of final rulemaking. EPA is approving, as part of this revision, the documents detailing the special conditions under which the use of 2.0 percent sulfur fuel is allowed at the four specified sources without going through proposed rulemaking on their specific contents. EPA believes that publishing a proposed rulemaking on these documents themselves is unnecessary, particularly in light of the fact that the special conditions imposed reflect the actual operation of the four sources and no actual emission increases result.

However, if notification is received on or before February 8, 1982 that someone wishes to submit adverse or critical comments, the actions approving the special operating conditions under which the use of 2.0 percent sulfur fuel is allowed at the four stationary sources will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final actions approving the special operating conditions under which the use of 2.0 percent sulfur fuel is allowed at the four sources, and another will begin a new rulemaking by announcing proposal of the actions and establishing a comment period. If no such comments are received the public is advised that these actions will be effective on March 8, 1982.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact of a substantial number of small entities, (46 FR 8709, January 27, 1981). The attached rule constitutes a SIP approval under Section 110 within the terms of the January 27 certification. This action only approves state actions and imposes no new requirements. The disapproval of paragraphs 5-221(1)(c) (i) and (ii) of the Vermont regulations merely preserves the status quo.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because it only approves a state action enabling a source to implement a cost-effective control strategy, and adds no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

The Agency finds that good cause exists for making parts of this action effective immediately since this implementation plan revision is already in effect under state law and EPA

approval imposes no additional regulatory burden.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the Appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's Notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

After evaluation of the State's submittal, the Administrator has determined that the Vermont revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Vermont State Implementation Plan.

Date: December 30, 1981.

(Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410 and 7601)

Note.—Incorporation by reference of the State Implementation Plan for the State of Vermont was approved by the Director of the Federal Register on July 1, 1981.

Anne M. Gorsuch,  
Administrator.

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Section 52.2370, paragraph (c) is amended by adding subparagraph (14) as follows:

### § 52.2370 Identification of plan.

\* \* \* \* \*

(c) The plan revisions listed below were submitted on the dates specified:

\* \* \* \* \*

(14) A revision to regulation 5-221(1), "Sulfur Limitation in Fuel," submitted by the Secretary of the Vermont Agency of Environmental Conservation on November 13, 1979.

[FR Doc. 82-414 Filed 1-7-82; 8:45 am]

BILLING CODE 6560-38-M

## 40 CFR Part 60

### Revisions to the Priority List of Categories of Stationary Sources

[AD-FRL-1990-5]

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On May 13, 1981, revisions were proposed (46 FR 26501) to the priority list of major categories of air

pollution sources for which standards of performance are to be developed under Section 111 of the Clean Air Act. The revisions included the deletion of 12 categories and a title change for one category. This action promulgates the revisions as proposed.

**EFFECTIVE DATE:** January 8, 1982. Under section 307(b)(1) of the Clean Air Act, judicial review of this rule is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule.

**ADDRESSES:** *Docket.* The Docket, number A-80-23, containing all the information that EPA considered in revising the priority list, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket section (A-130), West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

*Source Category Survey Reports.* The reports listed below may be obtained from the Library Services Office, MD-35, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2777.

|   |                   |
|---|-------------------|
| Borax and Boric Acid Industry.....                          | EPA-450/3-80-004. |
| Refractory Industry.....                                    | EPA-450/3-80-006. |
| Secondary Copper Smelting and Refining Industry.....        | EPA-450/3-80-011. |
| Secondary Zinc Smelting and Refining Industry.....          | EPA-450/3-80-012. |
| Industrial Incinerators.....                                | EPA-450/3-80-013. |
| Ammonia Manufacturing Industry.....                         | EPA-450/3-80-014. |
| Animal Feed Dechlorination Industry.....                    | EPA-450/3-80-015. |
| Mineral Wool Manufacturing Industry.....                    | EPA-450/3-80-016. |
| Ceramic Clay Industry.....                                  | EPA-450/3-80-017. |
| Thermal Process Phosphoric Acid Manufacturing Industry..... | EPA-450/3-80-018. |
| Detergent Industry.....                                     | EPA-450/3-80-030. |

A screening study of the potash industry may be obtained from the contact listed below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gene W. Smith, Standards Development Branch, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5624.

### SUPPLEMENTARY INFORMATION:

#### Background

Section 111(b)(1)(A) of the Clean Air Act requires the Administrator to list those categories of stationary sources that " \* \* \* in his judgment \* \* \* cause[ ], or contribute[ ] significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare." A category of sources that

meets this criterion is referred to as a "significant contributor." See, *National Asphalt Pavement Association, v. Train*, 539 F.2d 775 (D.C. Cir. 1976).

In 1977, Congress amended the Act to require, under Section 111(f), that the Administrator promulgate regulations listing every category of "major" stationary sources that met the significant contributor test of Section 111(b)(1)(A) and that had not already been listed. A "major" source under the Act is one that has the potential to emit 100 tons per year of any air pollutant. Section 302(j). On August 21, 1979, the Administrator promulgated the list of significant contributors required by Section 111(f) (44 FR 49222, 40 CFR 60.16).

Section 111(f) requires the Administrator to promulgate new source performance standards (NSPS) for these additional source categories by 1982, and to determine priorities for doing so. Therefore, the August 21, 1979 regulations were promulgated as a "Priority List."

On May 13, 1981, an amendment to the priority list was proposed to take account of new information developed by the Agency during studies of the listed source categories. The results of these studies indicate that for 12 categories there will be little or no growth through 1985. In the Administrator's judgment, Congress did not intend that source categories showing insignificant growth should be listed under the significant contributor test of section 111(b)(1)(A). Therefore, the Administrator proposed the deletion of the following 12 categories from the priority list.

- No. 8 Mineral Wool
- No. 12 Incineration: Non-Municipal
- No. 15 Secondary Copper
- No. 31 Potash
- No. 36 Secondary Zinc
- No. 39 Ammonia
- No. 47 Ceramic Clay Manufacturing
- No. 49 Castable Refractories
- No. 50 Borax and Boric Acid
- No. 55 Phosphoric Acid: Thermal Process
- No. 57 Animal Feed Defluorination
- No. 59 Detergent

In addition, the Administrator also proposed to change the title of the source category originally listed as "Sintering: Clay and Fly Ash" (No. 32 on the priority list) to "Lightweight Aggregate Industry: Clay, Shale, and Slate." The new title more accurately represents the scope of the source category for which standards are being developed.

#### Comments

Ten comment letters were received during the public comment period which

extended from May 13, 1981, to July 13, 1981. Nine of the ten commenters expressed concerns that did not directly pertain to the revisions that were the subject of the proposed action. The other commenter recommended that, rather than change the title of the Sintering: Clay and Fly Ash category, the category should be dropped from the list because no new plant growth is projected for the industry through 1985.

The results of EPA's study of the Sintering: Clay and Fly Ash category indicate that growth in the lightweight aggregate industry will result from expansions at existing plants and not from the construction of new grass roots plants. Information obtained from contacts with plants and the Expanded Shale, Clay, and Slate Institute (ESCSI) support this projection.

In the preamble to the proposed revisions, EPA stated that the reason for deleting the 12 categories was that the Administrator had concluded that these categories are not significant contributors because little or no new plant growth is projected for these categories. As explained later in the proposal preamble, the Administrator's determination that each of the 12 categories is not a significant contributor was not based solely on the fact that there are no new grass roots plants expected, but also on the projection that there will be no expansions, modifications, or reconstructions of facilities at existing plants. Since facilities comprising expansions, modified facilities, and reconstructed facilities at existing plants would be new sources of air pollution, these sources must also be considered in a determination of whether a category is a significant contributor. Because of the expected expansions in the lightweight aggregate industry, the Administrator believes that this category should remain listed as a significant contributor on the priority list.

For the most part, the remaining nine commenters recommended that EPA further revise the priority list by deleting other categories, in addition to those that were proposed for deletion. Each of these comment letters is being considered by EPA. If, after investigating the concerns expressed in these letters, the Administrator determines that additional source categories are not significant contributors, EPA will propose to revise the priority list again.

For the present, since no comments were received that objected to the proposed category deletions and title change, these revisions are promulgated today as proposed.

#### Miscellaneous

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an annual effect on the economy of \$100 million or more, it will not result in a major increase in costs or prices, and there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. The rule will not impose burdens on any person.

Dated: December 31, 1981.

John W. Hernandez, Jr.,  
Acting Administrator.

#### PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Part 60 of Chapter I of Title 40 of the Code of Federal Regulations is amended by revising § 60.16 of Subpart A as follows:

##### § 60.16 Priority list.

##### Prioritized Major Source Categories

##### Priority Number <sup>1</sup>

##### Source Category

1. Synthetic Organic Chemical Manufacturing
  - (a) Unit processes
  - (b) Storage and handling equipment
  - (c) Fugitive emissions sources
  - (d) Secondary sources
2. Industrial Surface Coating: Cans
3. Petroleum Refineries: Fugitive Sources
4. Industrial Surface Coating: Paper
5. Dry Cleaning
  - (a) Perchloroethylene
  - (b) Petroleum solvent
6. Graphic Arts
7. Polymers and Resins: Acrylic Resins
8. Mineral Wool (Deleted)
9. Stationary Internal Combustion Engines
10. Industrial Surface Coating: Fabric
11. Fossil-Fuel-Fired Steam Generators: Industrial Boilers
12. Incineration: Non-Municipal (Deleted)
13. Non-Metallic Mineral Processing
14. Metallic Mineral Processing
15. Secondary Copper (Deleted)
16. Phosphate Rock Preparation
17. Foundries: Steel and Gray Iron
18. Polymers and Resins: Polyethylene
19. Charcoal Production

<sup>1</sup>Low numbers have highest priority, e.g., No. 1 is high priority, No. 59 is low priority.

20. Synthetic Rubber
  - (a) Tire manufacture
  - (b) SBR production
21. Vegetable Oil
22. Industrial Surface Coating: Metal Coil
23. Petroleum Transportation and Marketing
24. By-Product Coke Ovens
25. Synthetic Fibers
26. Plywood Manufacture
27. Industrial Surface Coating: Automobiles
28. Industrial Surface Coating: Large Appliances
29. Crude Oil and Natural Gas Production
30. Secondary Aluminum
31. Potash (Deleted)
32. Lightweight Aggregate Industry: Clay, Shale, and Slate <sup>2</sup>
33. Glass
34. Gypsum
35. Sodium Carbonate
36. Secondary Zinc (Deleted)
37. Polymers and Resins: Phenolic
38. Polymers and Resins: Urea-Melamine
39. Ammonia (Deleted)
40. Polymers and Resins: Polystyrene
41. Polymers and Resins: ABS-SAN Resins
42. Fiberglass
43. Polymers and Resins: Polypropylene
44. Textile Processing
45. Asphalt Roofing Plants
46. Brick and Related Clay Products
47. Ceramic Clay Manufacturing (Deleted)
48. Ammonium Nitrate Fertilizer
49. Castable Refractories (Deleted)
50. Borax and Boric Acid (Deleted)
51. Polymers and Resins: Polyester Resins
52. Ammonium Sulfate
53. Starch
54. Perlite
55. Phosphoric Acid: Thermal Process (Deleted)
56. Uranium Refining
57. Animal Feed Defluorination (Deleted)
58. Urea (for fertilizer and polymers)
59. Detergent (Deleted)
- Other Source Categories
- Lead acid battery manufacture <sup>3</sup>
- Organic solvent cleaning <sup>3</sup>
- Industrial surface coating: metal furniture <sup>3</sup>
- Stationary gas turbines <sup>4</sup>

(Section 111, 301(a), Clean Air Act as amended (42 U.S.C. 7411, 7601))

[FR Doc. 82-481 Filed 1-7-82; 8:45 am]

BILLING CODE 6560-26-M

#### 40 CFR Part 81

[A-4-FRL-2013-7]

#### South Carolina: Redesignation of a Portion of Charleston County for Air Quality Planning Purposes

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

<sup>2</sup>Formerly titled "Sintering: Clay and Fly Ash".

<sup>3</sup>Minor source category, but included on list since an NSPS is being developed for that source category.

<sup>4</sup>Not prioritized, since an NSPS for this major source category has already been promulgated.

**SUMMARY:** On the basis of eight consecutive quarters of air quality data showing no violations of any national standard for particulate matter, EPA is changing the attainment status designation of that portion of Charleston County, South Carolina within the section of North Charleston just south of the U.S. Army Depot from nonattainment for the secondary standard to attainment. This action will be effective March 9, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

**DATE:** This action is effective March 9, 1982.

**ADDRESSES:** Written comments should be addressed to Denise W. Pack of EPA Region IV's Air Program Branch (see EPA Region IV address below). Copies of the materials submitted by South Carolina may be examined during normal business hours at the following locations:

Public Information Reference Unit,  
Library Systems Branch,  
Environmental Protection Agency, 401  
M Street, SW., Washington, D.C.  
20460

Environmental Protection Agency,  
Region IV, Air Programs Branch, 345  
Courtland Street, NE., Atlanta,  
Georgia 30365

Bureau of Air Quality, SC Dept. of  
Health and Environmental Control,  
2600 Bull Street, Columbia, South  
Carolina 29201

**FOR FURTHER INFORMATION CONTACT:**  
Denise W. Pack, EPA Region IV Air  
Programs Branch at the above listed  
address, phone 404/881-3286 (FTS 257-  
3286).

#### Action

On March 3, 1978 (43 FR 8962), the Administrator designated the portion of Charleston County (South Carolina) within a section of North Charleston just south of the U.S. Army Depot as nonattainment for the secondary standard for particulate matter. Subsequent studies and monitoring data submitted to EPA on June 30, 1981, indicate that this area is now meeting both the primary and secondary particulate standards. Also, information submitted on October 8, 1981, shows that no ambient particulate standard was violated in the area during calendar years 1979 and 1980. EPA's review of the data submittal indicates that it satisfies all the Agency's requirements with regard to validity and representativeness of air quality data.

Accordingly, the State's request for the area to be redesignated as attainment is granted and EPA today

announces this change. This action is being taken without prior proposal because this redesignation is noncontroversial and EPA anticipates no comments on it. The public should be advised that this action will be effective March 9, 1982. However, if notice is received on or before February 8, 1982 that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Clean Air Act, judicial review of EPA's redesignation of this area is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before March 9, 1982.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities since it changes an area's attainment status designation to attainment.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely changes the attainment status designation of a single area to attainment.

(Section 107 of the Clean Air Act (42 U.S.C. 7407))

Dated: December 31, 1981.

Anne M. Gorsuch,  
Administrator.

#### PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

##### § 81.341 [Amended]

In § 81.341, the South Carolina TSP attainment status table is amended by removing the entry titled "That portion of Charleston County within section of North Charleston just south of U.S. Army Depot."

[FR Doc. 82-478 Filed 1-7-82; 8:45 am]

BILLING CODE 6560-38-M